

EXHIBIT 10

In the Matter Of:

NEW ENGLAND COMPOUNDING PHARMACY INC. PRODUCTS LIABILITY

DEPOSITION OF

LLOYD R. SABERSKI, M.D.

January 12, 2017



DISCOVERY
LITIGATION SERVICES
Court Reporting • Videography • Trial Presentations

1201 West Peachtree Street
Suite 2300
Atlanta, GA 30309
404.847.0999

NEW ENGLAND COMPOUNDING PHARMACY INC. PRODUCTS LIABILITY
LLOYD R. SABERSKI, M.D. on 01/12/2017

DEPOSITION OF

1 IN THE UNITED STATES DISTRICT COURT

2 DISTRICT OF MASSACHUSETTS

3
4 IN RE NEW ENGLAND COMPOUNDING | MDL NO. 02419

5 PHARMACY, INC. PRODUCTS LIABILITY | DOCKET NO.

6 LITIGATION | 1:13-MD-2419-RWZ

7 THIS DOCUMENT RELATES TO:

8 All Actions

9
10 Deposition of LLOYD R. SABERSKI, M.D.

11 Baltimore, Maryland

12 Thursday, January 12, 2017

13 10:00 a.m.

14
15
16
17
18
19
20 Reported by: Angela McKinney, Court Reporter



DISCOVERY
LITIGATION SERVICES
Court Reporting • Videography • Trial Presentations
Nationwide Coverage

1201 West Peachtree Street
Suite 2300
Atlanta, GA 30309
404.847.0999
www.DiscoveryLit.com

NEW ENGLAND COMPOUNDING PHARMACY INC. PRODUCTS LIABILITY
LLOYD R. SABERSKI, M.D. on 01/12/2017

DEPOSITION OF
Pages 62..65

<p style="text-align: right;">Page 62</p> <p>1 A I don't know how they come up with the</p> <p>2 ratings, but it sounds appropriate that Yale is on the</p> <p>3 list.</p> <p>4 BY MR. KIRBY:</p> <p>5 Q They are reputable institutions?</p> <p>6 A Those are hospitals.</p> <p>7 Q Would it surprise you if all of them were on</p> <p>8 the customer list that we looked at on 1585-12.</p> <p>9 MR. COREN: Objection to form.</p> <p>10 A Doesn't surprise me one bit. They are on a</p> <p>11 customer list.</p> <p>12 BY MR. KIRBY:</p> <p>13 Q Have you ever done business with NECC?</p> <p>14 A Business?</p> <p>15 Q Have you ever had any interaction whatsoever</p> <p>16 with the New England Compounding Center?</p> <p>17 A Yes.</p> <p>18 Q Describe that.</p> <p>19 A A sales rep came to my office in the early</p> <p>20 2000s suggesting that we purchase compounded steroids</p> <p>21 from them. His marketing pitch was it was preservative</p> <p>22 free and it was cheaper. And I engaged him in a</p>	<p style="text-align: right;">Page 64</p> <p>1 something improper?</p> <p>2 A I really didn't understand the gravity of</p> <p>3 what I was saying no to. I think if I had to do it all</p> <p>4 over again, I certainly would have called up the</p> <p>5 appropriate authority. Clearly they were in the wrong</p> <p>6 and we at my office knew that it was wrong.</p> <p>7 Q Can we agree that NECC caused the</p> <p>8 contamination of the MPA?</p> <p>9 A Yes.</p> <p>10 Q We can agree that Dr. Bhambhani didn't cause</p> <p>11 the contamination?</p> <p>12 A No.</p> <p>13 MS. STEINER: Yes, you can agree that, no,</p> <p>14 she did not?</p> <p>15 A Yes.</p> <p>16 BY MR. KIRBY:</p> <p>17 Q Sorry. I thought we were having a moment.</p> <p>18 I understood.</p> <p>19 MS. STEINER: Just clarify that.</p> <p>20 BY MR. KIRBY:</p> <p>21 Q So we can agree that Dr. Bhambhani did not</p> <p>22 cause the contamination, right?</p>
<p style="text-align: right;">Page 63</p> <p>1 conversation as to why I would want to do that, given</p> <p>2 there are commercially-available products that are</p> <p>3 perfectly fine.</p> <p>4 Q Did you ask him why they were selling -- did</p> <p>5 you ask him why they were selling preservative-free</p> <p>6 products as a compounder if there were other</p> <p>7 commercially-available products available?</p> <p>8 A I did either directly or indirectly, but he</p> <p>9 was a salesperson who knew nothing. Essentially my</p> <p>10 office would have nothing to do with NECC because they</p> <p>11 were offering a product that was readily available.</p> <p>12 Q So in your estimation, that was improper to</p> <p>13 do, correct?</p> <p>14 A Yes.</p> <p>15 Q And did you ever report NECC to the</p> <p>16 Connecticut Board of Pharmacy?</p> <p>17 A I did not.</p> <p>18 Q Or the Massachusetts Board of Pharmacy or</p> <p>19 the FDA?</p> <p>20 A I did not.</p> <p>21 Q No one. Okay. Is there a reason why you</p> <p>22 didn't report them if you thought they were doing</p>	<p style="text-align: right;">Page 65</p> <p>1 A Yes, we can agree.</p> <p>2 Q Can we agree that NECC had a duty to its</p> <p>3 customers to provide safe products?</p> <p>4 A Yes.</p> <p>5 Q They had a duty to provide -- strike that.</p> <p>6 That they had a duty to accurately represent</p> <p>7 the safety and quality of its products to customers and</p> <p>8 potential customers?</p> <p>9 A Yes.</p> <p>10 Q Can we agree that in the summer and fall of</p> <p>11 2012 that NECC failed in its duty to do all those</p> <p>12 things that we just discussed?</p> <p>13 A I believe so.</p> <p>14 Q Do you believe that NECC violated the law in</p> <p>15 these cases?</p> <p>16 MR. COREN: Objection to form.</p> <p>17 A I'm not a lawyer. However, I believe they</p> <p>18 did.</p> <p>19 BY MR. KIRBY:</p> <p>20 Q I think I know your answer, but just to be</p> <p>21 clear, when you say you think they did, do you have any</p> <p>22 statutes or laws or regulations in mind from --</p>



DISCOVERY
LITIGATION SERVICES
Court Reporting • Videography • Trial Presentations
Nationwide Coverage

1201 West Peachtree Street
Suite 2300
Atlanta, GA 30309
404.847.0999
www.DiscoveryLit.com